

BEFORE THE
FEDERAL ELECTION COMMISSION

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COMMISSION

2014 SEP 12 AM 11:08

OFFICE OF GENERAL
COUNSEL

American Democracy Legal Fund
Brad Woodhouse, Treasurer
455 Massachusetts Avenue, NW
Washington, DC 20001

Complainant,

v.

American Crossroads
Caleb Crosby, Treasurer
P.O. Box 34413
Washington, D.C. 20043

MUR # 6870

Respondent.

COMPLAINT

I hereby file this Complaint with the Federal Election Commission ("FEC") under 2 U.S.C. § 437g(a)(1) against American Crossroads ("Respondent"). American Crossroads has republished video footage taken from U.S. Senate candidate Thom Tillis's campaign materials in its own ads in direct violation of the Federal Election Campaign Act and FEC Regulations.

1. Respondent is registered is an independent-expenditure political committee registered with the FEC that accepts unlimited contributions from some contributors.¹ Accordingly, Respondent is strictly prohibited from making monetary or in-kind contributions of any amount to any federal candidate or political committee.²
2. Thom Tillis is a member of the North Carolina House of Representatives and is a candidate for election to the U.S. Senate. Thom Tillis Committee is Tillis's principal campaign committee for election to the U.S. Senate, which registered with the FEC in June 2013.³ Like all such committees, Thom Tillis Committee is subject to strict source and amount restrictions on the contributions it may accept.

¹ See American Crossroads Amended Statement of Organization, <http://docquery.fec.gov/pdf/365/13940951365/13940951365.pdf>.

² Advisory Opinion 2010-09, Advisory Opinion 2010-11.

³ See <http://docquery.fec.gov/pdf/817/13020252817/13020252817.pdf>.

3. On April 1, Respondent spent \$293,313 to produce and air a television advertisement in support of Tillis.⁴
4. Respondent's ad is overwhelmingly comprised of video footage that was taken from campaign videos created and owned by the Thom Tillis Committee.⁵
- a. The video footage in Respondent's ad showing Tillis talking in a suit in an office setting is the same footage that first appeared in Tillis's own ad called "Let's Clean Up Her Mess," posted to Tillis's YouTube account in January 2014.⁶ This video footage also appears in another Tillis campaign video posted to its YouTube account in February 2014 called "Tillis Montage 2."⁷
 - b. The video footage of Tillis talking to three women and a man is the very same footage that first appeared in Tillis's own ad called "Paper Route" that was posted to Tillis's YouTube account in March 2014.⁸
 - c. The footage of Tillis walking and talking on the street that is used throughout Respondent's is the same footage that first appeared in the "Tillis Montage 2" video.
 - d. Presumably, other footage and images that Respondent uses in its ads also comes from Tillis's own campaign materials.
5. According to FEC regulations, "[t]he financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic or other form of campaign material prepared by the candidate, the candidate's authorized committee, or an agent of either of the foregoing shall be considered a contribution for the purposes of contribution limitations and reporting responsibilities of the person making the expenditure."⁹
6. Respondent repeatedly republished segments of Tillis's campaign materials in its ads. Respondent reported to the FEC that it paid \$293,313 to disseminate the Tillis materials. This payment is a contribution to the Thom Tillis Committee under section 109.23.
7. The maximum contribution Respondent could make to the Thom Tillis Committee is \$5,000 per election. Respondents have therefore made an excessive contribution in violation of 2 USC § 441a(a).

⁴ See <http://docquery.fec.gov/cgi-bin/docdev/forms/C00487363/914409/se>. See also Greg Sargent, Crossroads Ad: Thom Tillis has the "Conservative Guts" to Replace Obamacare (Apr. 1, 2014), available at <http://www.washingtonpost.com/blogs/plum-line/wp/2014/04/01/crossroads-ad-thom-tillis-has-the-conservative-guts-to-replace-obamacare/>.

⁵ Respondent's TV ad can be viewed at <https://www.youtube.com/watch?v=PEkXpx53Ivc>.

⁶ Tillis's "Let's Clean Up Her Mess" ad can be viewed at <https://www.youtube.com/watch?v=RZgestENqew>. The ad includes a disclaimer stating it was "Paid for by the Tom Tillis Committee. Approved by Thom Tillis."

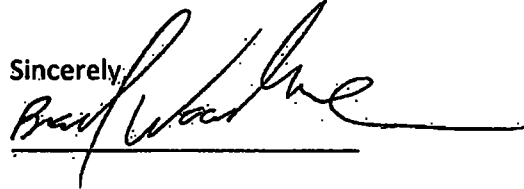
⁷ The "Tillis Montage 2" video can be viewed at <https://www.youtube.com/watch?v=euiqFHAN7ZO>.

⁸ The "Paper Route" ad can be viewed at https://www.youtube.com/watch?v=Cu0q6V4KV_s. This ad includes a disclaimer stating it was "Paid for by the Tom Tillis Committee. Approved by Thom Tillis."

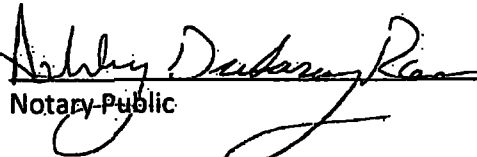
⁹ 11 C.F.R. § 109.23(a).

When American Crossroads paid to distribute the Tillis campaign's material, that payment became an illegal, excessive contribution to Tillis's campaign. These actions are in direct violation of the Federal Election Campaign Act and its safeguards designed to ensure "soft money" is not used to fund campaigns for federal office. I respectfully request the FEC investigate these violations, enjoin American Crossroads from making further violations, and assign the maximum fines permitted by law.

Sincerely,



SUBSCRIBED AND SWORN to before me this 8 day of September 2014.



Notary Public

My Commission Expires:

February 28, 2014

